

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

JACK PRESTON COVERSUP,

Defendant/Movant.

Cause No. CR 03-27-GF-BMM
CV 21-32-GF-BMM

ORDER DISMISSING § 2255
MOTION AND DENYING
CERTIFICATE OF
APPEALABILITY

On April 2, 2021, the Court received from Defendant/Movant Coversup a motion to vacate, set aside, or correct the judgment under 28 U.S.C. § 2255.

Coversup discharged his conviction and sentence in this matter on July 22, 2010.

See Order (Doc. 476). “[O]nce the sentence imposed for a conviction has completely expired, the collateral consequences of that conviction are not themselves sufficient to render an individual ‘in custody’ for the purposes of a habeas attack upon it.” *Maleng v. Cook*, 490 U.S. 488, 492 (1989). This Court lacks jurisdiction over the motion. *See* 28 U.S.C. § 2255(a).

Accordingly, IT IS ORDERED:

1. Coversup’s motion under 28 U.S.C. § 2255 (Doc. 654) is DISMISSED for lack of jurisdiction.

2. A certificate of appealability is DENIED as reasonable jurists could not find the Court has jurisdiction. The clerk shall immediately process the appeal if Coversup files a notice of appeal.

3. The clerk shall terminate all pending motions and close the civil file by entering, by separate document, a judgment of dismissal.

4. The clerk shall file Coversup's affidavit (Doc. 654-1) as a motion for compassionate release in *United States v. Coversup*, No. CR 19-15-BLG-SPW.

DATED this 5th day of April, 2021.



Brian Morris, Chief District Judge
United States District Court